

To: CN=Kate Kelly/OU=R10/O=USEPA/C=US@EPA[]
Cc: CN=Sally Thomas/OU=R10/O=USEPA/C=US@EPA[]
From: CN=John Herbst/OU=R10/O=USEPA/C=US
Sent: Mon 10/24/2011 7:32:18 PM
Subject: Fw: Download from 8/11/11 Chuitna Meeting with NVT

Hello Kate,

Here's Jamey Stoddard's meeting notes.

JR

----- Forwarded by John Herbst/R10/USEPA/US on 10/24/2011 12:29 PM -----

From: Jamey Stoddard/R10/USEPA/US
To: Mike Bussell/R10/USEPA/US@EPA, Kate Kelly/R10/USEPA/US@EPA, Sally Thomas/R10/USEPA/US@EPA
Cc: Christine Reichgott/R10/USEPA/US@EPA, Christine Psyk/R10/USEPA/US@EPA, Richard Parkin/R10/USEPA/US@EPA, Katherine Brown/R10/USEPA/US@EPA, Cindi Godsey/R10/USEPA/US@EPA, Keith Cohon/R10/USEPA/US@EPA, John Herbst/R10/USEPA/US@EPA, Tami Fordham/R10/USEPA/US@EPA
Date: 08/17/2011 12:23 PM
Subject: Download from 8/11/11 Chuitna Meeting with NVT

Hi all-

I just wanted to provide a download on the meeting we had with the Native Village of Tyonek last Thursday. The meeting was held at Tyonek and included Rick Parkin, Katherine Brown, Cindi Godsey and myself, and on the phone we had Keith Cohon and JR Herbst. The Tribe was represented by President Frank Standifer, VP Randy Standifer, several member of the NVT Tribal Council, and legal counsel Heather Kendall Miller.

Overall the meeting went very well, and I was left with the impression that NVT shared that sentiment. Everyone seemed to agree that we met the goals and objectives laid out at the start of the meeting, and I think NVT and their advisors/counsel walked away with an enhanced understanding of where EPA is involved in the project, and where we are not. Everyone did an excellent job and I think having Rick at the meeting went a long way to show NVT that this project is a priority for the Region, and that their concerns are being heard. Much thanks to Rick, Katherine, Cindi, Keith and JR.

A few highlights/action items from the meeting:

Agreed to develop a fact sheet-like document laying out EPA's roles and responsibilities in the project, and at what points within those processes we believe meaningful consultation can occur. Unless there are other volunteers or objections, I believe I can take the first crack at this and send it around the programs and ORC for review.

Agreed to work with NVT and their advisor Rob Rosenfeld to develop a cooperative agreement (e.g., MOU) laying out our relationship with Tyonek moving forward, highlighting those areas/times where we believe meaningful consultation could occur (as outlined in the fact sheet above). Since this agreement may end up serving as a template for our coordination/consultation with Tribes on future large projects in Alaska, my thought is that the Tribal Unit should lead this effort with close coordination with ORC and the

program offices involved, namely ETPA and OWW. I would be interested to get everyone's thoughts on this. Did not commit nor agree to regularly scheduled quarterly meetings between EPA and NVT leadership. Rick made it clear to NVT and Rob that we believe having regularly scheduled leadership meetings does not make sense given our tangential role in most of the regulatory permitting/review for this project. Rather, we believe that meetings should occur as needed when there is an action we are considering or if there is a significant and specific issue to discuss/consult upon. It was reiterated and made clear that staff are always available to assist the tribe and discuss certain issues, but EPA/NVT leadership meetings are not something that we do on a whim, and we cannot commit to them on a regularly scheduled basis. While Rob Rosenfeld felt that regularly scheduled leadership meetings were preferable, President Standifer seemed to agree with our position on this.

Committed to discussing the water quality standards work and APDES permitting with the State of Alaska and Corps to determine how those schedules will coordinate with the SEIS/NEPA schedule

Committed to continue and work closely with NVT and keep this project a high priority for the Region

Committed to looking into hosting a mining training for NVT à la the Mining 101 course that Patty and Tami have done for tribes in the past, contingent upon resources.

Major concerns we heard from the Tribe included:

impacts to the salmon resources of the Chuitna, resulting in impacts to their subsistence lifestyle, tradition and culture (i.e., "salmon=life at NVT")

impacts to surface water from exposure/disturbance of coal, fugitive dust, overburden stockpiles, etc.

impacts from dewatering to the water levels of the Chuitna and drinking water (well and surface).

global transport of mercury and climate change from burning of coal, impacts from coal dust locally perceived lack of objectivity by the State of Alaska in reviewing the project (i.e., "marketing the coal prior to actually permitting/approving the project"), and implications for enforcement of Clean Water Act, etc.

restoration will not be possible (i.e., "once you dig it up it will never be the same")

impacts to human health and on future generations

coastal erosion and sedimentation from the coal export terminal and conveyor/trestle

perceived no benefit for Alaska or the Tribe from the project

I will begin work on the fact sheet over the next week+ and send that around for review. For development of the MOU with Tyonek I will touch base with Kate, Sally, Rick, and Cindi to figure out how that work should move forward. I can contact the State and Corps to queue up some discussion about coordinating the WQS/APDES/SEIS schedules.

Thanks again to everyone, and for those at the meeting please let me know if I missed anything.

Jamey L. Stoddard
Office of Water and Watersheds, NPDES Permits Unit
USEPA, Region X
1200 6th Ave., Suite 900, OWW-130
Seattle, WA 98101
T. (206) 553 6110
F. (206) 553 0165
stoddard.jamey@epa.gov

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